



Austin City Council MINUTES

JUNE 8, 1995

Mayor Todd called the meeting to order, noting the temporary absence of Councilmembers Goodman and Mitchell.

1. Approval of Minutes for Regular Meeting of June 1, 1995 and Worksession of May 31, 1995 and Executive Session of June 1, 1995
Postponed until June 22, 1995

CITIZEN COMMUNICATIONS: GENERAL

2. Mrs. Phoebe Allen, children at Austin Montessori School want to talk about saving the springs.
3. Mr. Robert Thomas, to discuss the Rosewood Recreation Center.
4. Mr. Gus Pena, to discuss East Austin community issues, public safety and youth issues.
5. Mr. Richard Troxell, to encourage City Council to create a comprehensive cost effective drug and alcohol detoxification, job training, job placement, homeless adult recovery program for citizens of Austin living on the streets.
6. Mr. Leonard Lyons, to discuss the prereq. to City functions: Basic Services.

ITEMS CONTINUED FROM PREVIOUS MEETING

7. Approve the structure for the Robert Mueller Municipal Airport Redevelopment Citizens Advisory Board. (No fiscal impact.)
Approved, on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily off the dais.
8. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8400 East U.S. Hwy. 290, Case No. C14-95-0009, from "DR", Development Reserve to "GR-CO", Community Commercial-Conditional Overlay, FIRST STATE BANK (Roger W. Weiland), by Dunagan, Weichert & Assoc. (Glenn Weichert). First reading on March 30, 1995; Vote 6-0, Councilmember Shea absent. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. A restrictive covenant incorporating conditions imposed by Council has been executed. (There is a valid petition of 86.02% opposing this rezoning request, therefore six votes of Council will be required to grant the applicant's

request.)

Postponed two weeks

9. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 336 E. Ben White Blvd., Case No. C14-94-0136, from "LI", Limited Industrial Services to "CS-1-CO", Commercial Liquor Sales-Conditional Overlay, SOUTHLAND EQUITIES, INC., (John C.Kuhn), by Kuhn, Doyle & Kuhn, P.C. (John C. Kuhn). First reading on February 23, 1995; Vote 7-0. Second reading on April 6, 1995; Vote 5-0 Mayor Todd absent and Councilmember Mitchell out of the room. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. There is a valid petition in opposition to the Adult Oriented Business uses filed by the applicant; six (6) Council votes will be required to prohibit Adult Oriented Business uses.

Postponed two weeks until June 22, 1995, on Councilmember Goodman's motion Councilmember Garcia's second, 6-0 vote, Councilmember Mitchell temporarily off the dais.

10. Approve second reading of an ordinance to renew the taxicab franchise of Harlem Cab Company dba Austin Cab. (Taxicab Permit Fees of \$400 per year, per permit. Expected annual revenue is \$24,000. Revenue was included in the 1994-95 operating budget of the Public Works and Transportation Department.)

Approve second reading

11. Authorize acceptance of \$3,100 in grant funds from the Texas Department of Health for the Community Education Program of the Emergency Medical Services Department; amend Ordinance 940912-D, the 1994-95 operating budget, amending the Special Revenue Fund by appropriating \$3,100 for the Emergency Medical Services Special Revenue Fund.

Ordinance No. 950608-A approved

Items 10 and 11 approved, on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily off the dais.

12. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5, (C) Speed Limits to establish the speed limit on Vega Avenue at 45 mph from Southwest Parkway to West William Cannon Drive. (Funding in the amount of \$500 for signs is available in the 1994-95 operating budget of the Public Works and Transportation Department.)

Ordinance No. 950608-B approved, on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 5-1 vote, Councilmember Shea voting "NO", Mayor Pro Tem Nofziger temporarily off the dais.

RESOLUTIONS

13. Approve the location of a City Hall.
Motion made to postpone item, on Councilmember Goodman's motion, Councilmember Reynolds' second, 3-4 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmember Nofziger and Shea voting "NO". Motion failed.

Motion made to join the two together, to say we are going to build a City Hall, if we can build a case economically and otherwise, in this location where we are, in this 4-block area, somewhere

where it's deemed most appropriate, and that we consider item 14, on Mayor Pro Tem Garcia's motion, Mayor Todd's second, 4-2-1 vote, Councilmember Reynolds and Mitchell voting "NO", Councilmember Goodman not voting.

Motion to sever items 13 and 14 on Councilmember Nofziger's motion.

Motion to sever approved.

Councilmember Shea's amendment to direct staff to not proceed with that project until we fully determine the space needs and until we've determined the means to be able to afford it by minimizing the City's up-front costs through joint development or other such ventures, was accepted by Mayor Pro Tem Garcia.

Substitute motion by Councilmember Mitchell, that we build City Hall, if we deem that it is feasible and that we need a City Hall, that we build it downtown in the eastern part of downtown east of IH-35, at a site to be determined, Councilmember Reynolds' second, 2-4-1 vote, Mayor Todd, Mayor Pro Tem Garcia, Councilmember Shea and Councilmember Nofziger voting "NO", Councilmember Goodman present, not voting.

14. Direct the City Manager to initiate steps to implement the recommendations of the Keyser Marston downtown report including : (1) in the event that a developer is to be selected for the proposed City Hall Complex, separate the solicitation and selection process from the public/private development solicitation process; (2) undertake the necessary planning steps and community meetings required for the adoption of a downtown redevelopment project area (reinvestment zone) in order to establish a broad area for potential public/private projects and or for financing purposes; (3) institute the steps required for the formation of non-profit development corporation for implementation of downtown development activities. A necessary part of this action would be that the entity formed be clearly a representative of the City of Austin, thereby requiring the City Council to retain control on the key decisions; and (4) authorize negotiation of a Phase II scope of work with Keyser Marston for the contract for downtown consulting services, in an amount not to exceed \$100,000.

Approved, on Mayor Pro Tem Garcia's motion, Mayor Todd's second, 4-2 vote, Councilmember Nofziger and Shea voting "NO", Councilmember Goodman present, not voting.

15. Approve execution of a twelve (12) month supply agreement with LONGHORN INTERNATIONAL EQUIPMENT, INC., Austin, Texas, for the purchase of captive repair parts for the Lodal recycling trucks used by the Solid Waste Services Department, in an amount not to exceed \$150,000 with two (2) twelve (12) month extension options in an amount not to exceed \$150,000 per each extension, for a total amount not to exceed \$450,000. (Funding in the amount of \$50,000 is available in the 1994-95 operating budget of the Fleet and Radio Maintenance Fund. Funding for the remaining eight (8) months and the extension options is contingent upon available funding in future budgets. Sole Source. No M/WBE Subcontracting opportunities were identified.

Approved

16. Approve execution of a twelve (12) month supply agreement with PRO-MED, INC., Austin, Texas, for the purchase of disposable blankets for the Emergency Medical Services Department, in an estimated amount not to exceed \$37,400 with two (2) twelve (12) month extension options in an

estimated amount not to exceed \$37,000 per extension, for a total estimated amount not to exceed \$112,000. (Funding in the amount of \$9,350 is available in the 1994-95 operating budget of the Emergency Medical Services Department. Funding for the remaining nine months and the extension options is contingent upon available funding in future budgets.) Low bid of two (2) meeting specifications. No M/WBE Subcontracting opportunities were identified.

Approved

Items 15 and 16 approved, on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily off the dais.

17. Approve execution of a contract with WHITE WAY SIGN, Chicago, Illinois, for the purchase, delivery, installation, and five (5) year warranty and full service maintenance for an electronic, double-faced marquee system for Palmer Auditorium, in an amount not to exceed \$131,915. (Funding was included in the 1994-95 Capital budget of the Austin Convention Center Department.) Low bid of three (3). 0% MBE, 2.8% WBE Subcontractor participation.

Postponed two weeks

18. Approve Change Order #2 to TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, Texas, for vegetation control in creeks and detention/sedimentation ponds, and for hauling of excessive vegetation and debris, in the amount of \$53,410, for a total contract amount of \$827,870. (Funding in the amount of \$53,410 is available in the 1994-95 operating budget of the Drainage Utility Fund.)

Approved

19. Authorize application for a grant renewal in the amount of \$50,728 from the Office of the Governor, Criminal Justice Division, for the Juvenile Offender Employment Project; and authorize three (3) additional annual renewal applications through August 31, 1998. (A 20% match in the amount of \$12,682 is available in the 1994-95 operating budget of the Health and Human Services Department.)

Approved

20. Authorize execution of a contract with SOUTHWESTERN BELL TELEPHONE, Dallas, Texas, for the purchase and construction of fiber optic cable facilities to connect City buildings to the Greater Austin Area Telecommunications Network, in an amount not to exceed \$443,468.45. (Funding in the amount of \$438,675.28 was included in the 1994-95 Capital budget of the Information Systems Department. \$4,793.17 is available in the 1994-95 operating budget of the Health and Human Services Department.) [Recommended by Telecommunications Subcommittee] 59% M/WBE. (Total M/WBE participation for the GAATN Network to date is 59%; City's portion amounts to 45% WBE.)

Approved

21. Approve the execution of a four (4) month Interlocal Agreement with TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, for the purchase of communications equipment, components, electronic test equipment, and fiber optic modems for Phase I of the Greater Austin Area Telecommunications Network (GAATN), in an amount not to exceed \$1,045,250 with an option to extend for one (1) twelve (12) month period in an amount not to exceed \$1,481,550 for Greater Austin Area Telecommunications Network Phase II communications equipment purchases,

for a total amount not to exceed \$2,526,800. (Funding in the amount of \$995,250 was included in the 1994-95 Capital budget of the Information Systems Department. \$50,000 was included in the 1994-95 Capital budget of the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets.) [Recommended by Telecommunications Subcommittee]

Approved

Items 18 through 21 approved, on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily off the dais.

ITEMS FROM COUNCIL

22. Select Gus Garcia as Mayor Pro-Tem of the City Council to replace Michael "Max" Nofziger who has resigned as Mayor Pro Tem. (Mayor Pro Tem Michael "Max" Nofziger)

Approved, on Mayor Pro Tem Nofziger's motion, Councilmember Mitchell's second, 7-0 vote.

23. Approve a resolution restructuring the composition of the Community Action Network. (Councilmember Jackie Goodman)

Approved, on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Mayor Pro Tem Nofziger temporarily off the dais.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

24. C14-95-0023 - McCANDLESS INVESTMENTS (Lotus McCandless), by Vigil & Associates (Herman Vigil), 7320 E. U.S. Hwy. 290. From SF-3 to MF-3, CS & RR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay for Tract 1; MF-3-CO, Multifamily Residence (low density)-Conditional Overlay for Tract 2; and RR, Rural Residence for Tract 3. The provisions of the overlay are as follows: (1) limit density to a maximum of 23 units per acre; (2) development of the property shall be limited to less than 2,000 vehicle trips-per-day; (3) Limit Tract 2 to the following uses only - single family, townhouse, condominiums, and retirement housing; (4) prohibit the following uses for Tract 1 - pawn shops, food sales, restaurant (general), restaurant (fast food, drive-in), hotel-motel, auto sales, auto repair services, and scrap and salvage services; (5) reserve 150 feet of right-of-way from the existing centerline of U.S. Hwy. 290 in accordance with the Roadway Plan; (6) prohibit access to the subject property from Coronado Hills Drive except for emergency purposes; (7) inclusion of an on-site detention pond; and (8) a 20 foot vegetative buffer.

Ordinance No. 950608-C approved as recommended by Planning Commission with changes made by staff, and added: Buildings shall not exceed 25 feet in height within 75 feet of the northern property line of tract 2 where it abuts the PUD development, on Councilmember Goodman's motion, Councilmember Nofziger's second, 6-0 vote, Mayor Pro Tem Garcia and Councilmember Shea off the dais.

TO BE HEARD BY PLANNING COMMISSION 06-06-95, RECOMMENDATION TO FOLLOW

25. C14-95-0059 - CITY OF AUSTIN - PARD (Stuart Strong), 2334 Rosewood Avenue. From LR to P. To grant P Public zoning. Vote 8-0.

Ordinance No. 950608-D approved, on Councilmember Mitchell's motion, Mayor Pro Tem Garcia's

second, 7-0 vote.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

26. 5:30 P.M. - Public hearing on the proposed East 11th and 12th Street Revitalization and the Para Las Familias Projects to be funded under the Section 108 loan guarantee program.

Close hearing, on Councilmember Mitchell's motion, Councilmember Reynolds' second 6-0 vote, Councilmember Shea off the dais.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held on the morning of this date on all other items.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Pending/Contemplated Litigation - Section 551.071

27. Discuss possible litigation against Time Warner Entertainment Company.
28. Discuss possible litigation under federal and state telecommunications legislation.
29. Discuss F.M. Properties v. City of Austin; Cause No. 94-CA-647-J, in the United States District Court, Western District, Austin, Texas.

Real Estate Acquisition - Section 551.072

30. Discuss fee simple acquisition of real property and improvements at 5714 F.M. 973 South, Del Valle, Texas, for the Austin-Bergstrom International Airport.

ACTION ON THE FOLLOWING

31. Authorize fee simple acquisition of real property and improvements located at 5714 F.M. 973 South, Del Valle, Texas for the Austin-Bergstrom International Airport. Purchase price - \$244,000, Relocation costs - \$127,000, Total \$371,000
Approved

32. APPOINTMENTS

AIRPORT ADVISORY BOARD - JANET SIEBERT - BALIE GRIFFITH
ANIMAL ADVISORY COMMISSION - JULIE OLIVER
BRACKENRIDGE HOSPITAL BOARD - VELMA ROBERTS
BUILDING STANDARDS COMMISSION - MARK WILSON

CHILD CARE COUNCIL - KAY GHAHREMANI - VANESSA MCKEE

DESIGN COMMISSION - CLOVIS HEIMSATH

FEDERALLY QUALIFIED HEALTH CENTER BOARD - JANET OWEN - JOHN MAYO - ROSE LANCASTER

HISTORIC LANDMARK COMMISSION - BEN HEIMSATH - WILLIAM PRATT - PATTI HALL - LAURETTA DOWD

HUMAN RIGHTS COMMISSION - JAMES HILL

PARKS AND RECREATION BOARD - MARIANNE DWIGHT - ROCKY MEDRANO - MARY K. ISAACS

URBAN FORESTRY - CHARLIE POTTS - PATRICK WENTWORTH - JERRY NAISER

Approved

Items 31 and 32 approved, on Councilmember Nofziger's motion, Councilmember Goodman's second, 6-0, Councilmember Nofziger off the dais.

ADJOURN at 5:50 p.m.

Approved on this the 22nd day of June, 1995, on Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 6-0 vote, Councilmember Shea absent.